

ARTICLE XIX AMENDMENTS AND NOTIFICATIONS*

*Note --See the editor's note at Art. XIII.

Section 19.01. Amendment procedure.

This ordinance, including the zoning map, may be amended from time to time, but no amendment shall become effective unless it shall have been proposed by, or shall have received a Planning Board recommendation. The Planning Board shall have forty-five (45) days within which to submit its recommendation. City Council may allocate up to forty-five (45) days of additional time to the Planning Board. If the Planning Board fails to submit a recommendation within the aforementioned time period, it shall be deemed to have approved the proposed amendment. A public hearing shall be held by the city council before adoption of any proposed amendment to this ordinance. A notice of such public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation in the City of Salisbury, North Carolina. Such notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. Such period shall be computed in compliance with G.S. 1-594, and shall not be subject to rule 6(a) of the Rules of Civic Procedure.

In the case of a protest against an amendment, supplement, change, modification or repeal signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all members of the city council. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of this ordinance as a result of annexation or otherwise.

No protest against any change or amendment in the zoning ordinance or zoning map shall be valid or effective unless it be in the form of a written petition actually bearing the signature of the requisite members of the property owners and stating that the signers do protest the proposed change or amendments, and unless the petition shall have been received by the municipal clerk in sufficient time to allow the municipality at least two (2) normal workdays, excluding Saturdays, Sundays, and legal holidays, prior to the date established for the public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. In addition to the owner's signature, the petition may also identify the parcel(s) by tax map number and parcel number which qualify the signer to the privileges of petition as set out herein. A petition protesting a zoning proposal may be on a petition form as prescribed and furnished by the City of Salisbury, North Carolina.

(Ord. of 7-19-66, § 1; Ord. of 10-17-67, § 1; Ord. No. 1977-62, § 1, 12-20-77; Ord. No. 1981-19, § 1, 4-12-81; Ord. No. 1990-5, § 1, 2-6-90)

Section 19.02. Notification procedure.

Below is a listing of the notification procedure on all matters to be considered in this zoning ordinance and the reviewing board(s) for each type of request. When more than one (1) reviewing board is listed, the first board reviews and recommends, while the latter board has the power of approval (or disapproval); when only one (1) board is listed, that board reviews and approves (or disapproves).

Reviewing Board(s)	Zoning Matter		Notification (see below)
PB and CC	(1)	Zoning map amendment	A, B, C, D, E
PB and CC	(2)	Zoning text amendment	A, B, D
PB	(3)	Group development (section 12.06)	
		(a) For development in the B-7 district (section 8.43)	A, B, C
		(b) For more than 1 principal structure on a lot	A, B, C
		(c) For a structure divided by 3 or more dividing walls which separate businesses or residences	A, B, C
		(d) For any structure of 60,000 sq. ft. of more to be used for other than warehousing or industrial purposes	A, B, C
PB and CC	(4)	Development within RD-A (section 8.21) and RD-B (section 8.23) districts	A, B, C
	(5)	2 or more acre developments in B-RT district (section 12.27)	
PB		(a) Developments qualifying as group developments	A, B, C
PB and CC		(b) Developments qualifying as special group developments	A, B, C
ZBA	(6)	Administrative review	A, B
ZBA	(7)	Variance	A, B, C

ZBA	(8)	Conditional uses	A, B, C
PB and CC	(9)	Special use (section 7.01(5)(a))	A, B, D
CC	(10)	Special use (section 7.01(5)(b))	A, B, C, D, F
PB and CC	(11)	Special use (section 7.01(5)(c))	A, B, C
ZBA	(12)	Special exception	A, B, C, D
ZBA	(13)	Other special referrals	A, B
HPC	(14)	Certificate of appropriateness	A, B, C
PB and CC	(15)	Special use (section 7.01 (5)(c)(i) and section 7.01 (5)(e))	A, B, C, E

<i>Reviewing boards:</i>	
CC	City council
PB	Planning board
ZBA	Zoning board of adjustment
HPC	Historic preservation commission
<i>Notification:</i>	
A	Notification to newspaper (The Salisbury Post) in the form of an agenda with the listing of this item.
B	Notification to petitioner requesting this matter.
C	Notification to all property owners of the site(s) involved and all property owners within 100 feet of the site(s). Notification is by first class mail. Owners of properties are identified as such as listed in the Rowan County tax office.

D	Notification of public hearing as a legal advertisement in The Salisbury Post. Advisement is done twice, the first time being at least 10 days prior to the public hearing; the second time being the following week.
E	Notification by posting zoning sign or special use permit sign.
F	Notification to all members of the historic preservation commission.

(Ord. No. 1989-25, § 1, 6-20-89; Ord. No. 1994-8, § 7, 3-1-94; **Ord. No. 1996-35; Ord. No. 2000-97; Ord. No. 2002-81**)